

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-2256**

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NEWPORT NEWS SHIPBUILDING AND DRY DOCK  
COMPANY,

Petitioner,

and

HELEN R. BYRD, Widow of James C. Byrd,

Claimant,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION  
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondent.

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On Petition for Review of an Order of the Benefits Review Board.  
(01-199)

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Submitted: December 17, 2003                      Decided: February 10, 2004

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Before TRAXLER and KING, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Jonathan H. Walker, MASON, MASON, WALKER & HEDRICK, P.C., Newport  
News, Virginia, for Petitioner. Howard M. Radzely, Acting Solicitor  
of Labor, Donald S. Shire, Associate Solicitor, Mark S. Flynn,  
Acting Counsel for Longshore, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Newport News Shipbuilding and Dry Dock Company seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's denial of relief from liability for death benefit payments pursuant to 33 U.S.C. § 908(f) (2000). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we affirm on the reasoning of the Board. See Newport News Shipbuilding & Dry Dock Co. v. Dir. Office of Workers' Comp. Programs, No. 01-199 (BRB Sept. 26, 2001). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED